

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

**AKSHITA BANERJEE,

Debtor.**

Case No. 21-22031-CMB

Chapter 13

Document. No.

**AKSHITA BANERJEE,

Movant,**

- vs. -

**SADIS & GOLDBERG, LLP,

Respondent.**

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Akshita Banerjee, the Debtor in the instant Chapter 13 Case, by and through her undersigned Counsel, John P. Lacher, and files the following Motion for Relief from the Automatic Stay, as follows:

1. The Movant is Akshita Banerjee, the Debtor in the above Chapter 13 Case.

2. Prior to the commencement of the instant Chapter 13 Case, Sadis & Goldberg, LLP ("Sadis") commenced a lawsuit against, inter alia, the Debtor at Case No. 19-CV-1682 in the United States District Court for the Western District of Pennsylvania. A default judgment was entered in the District Court case against, inter alia, the Debtor.

3. An attempt to set aside the default judgment was denied by the District Court and an appeal of said denial was taken to the Third Circuit Court of Appeals at Case No. 20-2739 with the Debtor being an appellant.

4. Later in the District Court Case, the District Court imposed a constructive trust upon, inter alia, the Debtor. A request for reconsideration of the imposition of the constructive trust was denied and a second appeal was taken to the Third Circuit Court of Appeals at Case No. 21-1435 with the Debtor once again being an appellant.

5. On September 16, 2021, the Debtor commenced the instant Chapter 13 Case which resulted in a stay of the appeals pending in the Third Circuit.

6. Sadis has filed a Proof of Claim in this Chapter 13 Case, at Claim No. 12-1 based upon the default judgment it obtained in District Court and which underlies the pending appeals in the Third Circuit.

7. Sadis asserts a claim in the amount of \$587,176.26 which is, by far, the largest claim involved in Debtor's Chapter 13 Case.

8. Debtor respectfully requests this Honorable Court to enter relief from stay vis-à-vis the Third Circuit appeals to allow Debtor to prosecute same and quantify any claim which Sadis may have as to the Debtor.

9. Debtor disputes Sadis' claim and believes same should be significantly reduced if not eliminated. However, this Honorable Court will not, sit in an appellate capacity and undo the default judgment entered by the District Court. On the contrary, it is the Third Circuit Court of Appeals which is the proper Court to make such a determination.

10. The large amount of Sadis' claim has a large impact on the distributions to unsecured creditors in this Chapter 13 Case. It would be in the best interests of the Estate herein for the Third Circuit to determine the validity of the judgment underlying Sadis' claim herein.

WHEREFORE, it is respectfully requested that this Honorable Court grant relief from stay to the Debtor to allow her to pursue her pending appeals in the Third Circuit Court of Appeals.

Date: June 13, 2022

/s/ John P. Lacher
JOHN P. LACHER
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CERTIFICATE OF SERVICE

I, John P. Lacher, hereby certify, that on the 13th day of June 2022, I served a true and correct copy of the foregoing **MOTION FOR RELIEF FROM THE AUTOMATIC STAY** upon the following (via electronic service):

Ben Hutsman
Sadis & Goldberg, LLP
551 Fifth Avenue, 21st Floor
New York, NY 10176

Gary M. Sanderson
Meyer, Unkovic & Scott LLP
535 Smithfield Street, Ste. 1300
Pittsburgh, PA 15222

Ronda J. Winnecour
Suite 3250, USX Tower
600 Grant Street
Pittsburgh, PA 15219

Dated: June 13, 2022

/s/ John P. Lacher
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